



Rep. La Shawn K. Ford

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LRB099 04020 MLM 35136 a

1 AMENDMENT TO SENATE BILL 66

2 AMENDMENT NO. _____. Amend Senate Bill 66 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Resale Dealers Act is amended by changing
5 Section 5 as follows:

6 (815 ILCS 398/5)

7 Sec. 5. Definitions. For the purposes of this Act:

8 "Appropriate law enforcement official" means the sheriff
9 of the county where a resale dealer is located or, if the
10 resale dealer is located within a municipality, the police
11 chief of the municipality, provided, however, that the sheriff
12 or police chief may designate an appropriate official of the
13 county or municipality as applicable.

14 "Precious metals" means any item containing gold, silver,
15 platinum, palladium, or rhodium or any combination of gold,
16 silver, platinum, palladium, or rhodium. "Precious metals" do

1 not include items containing any chemical or any automotive,
2 photographic, electrical, medical or dental materials, or
3 electronic parts, except for those containing precious metals.

4 "Recyclable metal" means items made of copper, brass, or
5 aluminum.

6 "Repair and refurbishment program" means a program,
7 offered by a wireless telephone service provider,
8 manufacturer, or retailer who is not primarily engaged in
9 purchasing personal property of any type from a person who is
10 not a wholesaler, through which used or previously owned
11 wireless communications devices are restored to good working
12 order.

13 "Resale dealer" means any individual, firm, corporation,
14 or partnership engaged in the business of operating a business
15 for profit, which buys, sells, possesses on consignment for
16 sale, or trades jewelry, stamps, electronic equipment,
17 including wireless communication devices, or any precious
18 metals that have been previously owned by a consumer. The term
19 "resale dealer" includes without limitation:

20 (1) businesses commonly known as swapshop operators,
21 cash for gold operators, and jewelers that purchase and
22 resell items from persons other than dealers possessing a
23 federal employee identification number and suppliers and
24 engage in disassembling for purposes other than
25 appraisals, melting, or otherwise altering jewelry; ~~or-~~

26 (2) any individual, partnership, limited partnership,

1 limited liability company, corporation, or other entity
2 engaged in the business of buying or selling used wireless
3 communication devices. This paragraph (2) does not include
4 a wireless telephone service provider or retailer who has
5 25 or more locations in this State who acquires wireless
6 communications devices as part of a trade-in or a repair
7 and refurbishment program or a business engaged in
8 manufacturing wireless communications devices who acquires
9 the devices as part of a trade-in program.

10 The term "resale dealer" does not include pawnbrokers, coin
11 dealers, providers of commercial mobile services as defined in
12 47 U.S.C. 332(d) or their authorized dealers, or retail
13 merchants that do not purchase previously owned items directly
14 from the public at the retail location. The fact that any
15 business does any of the following acts shall be prima facie
16 proof that such business is a resale dealer: (i) advertises in
17 any fashion, including through media advertisements, websites,
18 telephone listings, or signs on the exterior or interior of
19 buildings, that it buys or sells used items and (ii) devotes a
20 significant segment or section of the business premises to the
21 purchase or sale of used items.

22 "Trade-in program" means a program offered by a wireless
23 telephone service provider, manufacturer, or retailer who is
24 not primarily engaged in purchasing personal property of any
25 type from a person who is not a wholesaler, pursuant to which
26 used wireless communications devices are accepted from

1 customers for trade-in when purchasing a new device or in
2 exchange for a noncash credit usable only for the purchase of
3 goods or services from the wireless telephone service provider,
4 manufacturer, or retailer or a rebate from a manufacturer on
5 the purchase of one of the manufacturer's wireless
6 communications devices.

7 "Wireless communications device" means a hand-held
8 cellular phone or other hand-held mobile device that (1) is
9 built on a smart phone mobile operating system; (2) possesses
10 advanced computing capability; (3) enables the user to engage
11 in voice communications via commercial mobile radio service, as
12 defined in 47 CFR 20.3; and (4) is capable of operating on a
13 long-term evolution network and successor wireless data
14 network communication standards. Capabilities a wireless
15 communications device may possess include, but are not limited
16 to, built-in applications, Internet access, digital voice
17 service, text messaging, email, and web browsing. "Wireless
18 communications device" does not include a phone commonly
19 referred to as a feature or message phone, a laptop computer,
20 tablet device, or a device that has only electronic reading
21 capability.

22 "Wireless telephone service provider" means a provider of
23 wireless telephone services and its authorized dealers,
24 distributors, and agents.

25 (Source: P.A. 98-1096, eff. 1-1-15.)"